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JAN 25 2006

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PAID DOCKETED
25

Of Attorneys for Father M

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON**

In re

ROMAN CATHOLIC ARCHBISHOP OF
PORTLAND IN OREGON, AND
SUCCESSORS, A CORPORATION SOLE,
dba the ARCHDIOCESE OF PORTLAND
IN OREGON,

Case No. 04-37154-elp11

NOTICE OF APPEAL

Debtor.

Father M, a nonparty, appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy judge Order For Production of Documents entered in this adversary proceeding on the 25th day of January, 2006.

The names of all parties to the judgment, order, or decree appealed from and the names, address and telephone numbers of their respective attorneys are as follows:



James M. Finn
Schwabe Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 S.W. Fifth Avenue
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Telephone: 503/222-9981
Fax No.: 503/796-2900
Of Attorneys for Archdiocese of Portland

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Of Attorneys for Father M

Of Attorneys for Plaintiffs:

Erin K. Olson, Esq.
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Fax No.: 503/306-0257

Michael S. Morey, Esq.
8 North State Street, Suite 301
Lake Oswego, OR 97034
Fax No.: 503/636-8512

DATED this 25th day of January, 2006.

BLACK HELTERLINE LLP

By: 

Michael B. Merchant, OSB No. 88268
Of Attorneys for Father M

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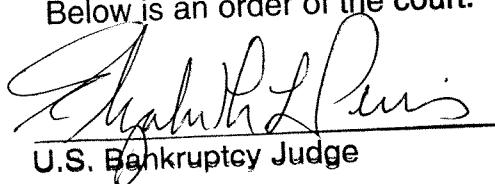
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BLACK HELTERLINE LLP
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CLERK, U.S. BANKRUPTCY COURT
DISTRICT OF OREGON

JAN 25 2005

Below is an order of the court.


U.S. Bankruptcy Judge

LODGED _____ REC'D _____
PAID _____ DOCKETED _____

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

ROMAN CATHOLIC ARCHBISHOP OF
PORTLAND IN OREGON, AND
SUCCESSORS, A CORPORATION SOLE,
dba the ARCHDIOCESE OF PORTLAND
IN OREGON,

Debtor.

No. 04-37154-elp11

**ORDER RE: RECORDS OF
FATHER M**

This matter came before court for a final determination of the applicability of the psychotherapist-patient privilege to documents in the Debtor's personnel file for Father M which are identified by Bates-numbers 7118-7121. This issue was left open in the court's order signed January 6, 2006, to permit Father M to submit additional declarations concerning the document in question.

Page 1 of 2 – ORDER RE: RECORDS OF FATHER M

Debtor was represented at the hearing by James Finn, Father M was represented by Michael Merchant, and the tort claimants were represented by Erin Olson.

Having considered the pleadings and record herein, and heard the arguments of counsel, the court finds that the disputed document is not protected from disclosure by the psychotherapist-patient privilege, and, therefore, it is hereby

ORDERED:

1. Debtor shall immediately produce to tort claimants, through attorney Erin Olson, documents in the Debtor's personnel file for Father M which are identified by Bates-numbers 7118-7121; and
2. The execution of this order is stayed until ~~8:30~~ a.m. on Wednesday, January 25, 2006 to permit Father M to *apply for a stay pending* ~~stay~~ *EKO* appeal this order.

#

Presented by:

/s/ Erin K. Olson

Erin K. Olson, OSB No. 93477
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2905 N.E. Broadway Street
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Attorney for Tort Claimants

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JAN 25 2006

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Of Attorneys for Father M

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON**

In re

ROMAN CATHOLIC ARCHBISHOP OF
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dba the ARCHDIOCESE OF PORTLAND
IN OREGON,

Case No. 04-37154-elp11

CERTIFICATE OF SERVICE

FILED UNDER SEAL

Debtor.

I hereby certify that I served a true and correct copy of the foregoing **NOTICE
OF APPEAL** upon:

Of Attorneys for Archdiocese of Portland:

James M. Finn
Schwabe Williamson & Wyatt, P.C.
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Portland, OR 97204-3795
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Of Attorneys for Plaintiffs:

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Page 1 – CERTIFICATE OF SERVICE

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Lake Oswego, OR 97034
Fax No.: 503/636-8512

by mailing a true copy thereof in a sealed, first-class postage prepaid envelope, addressed to said attorneys' addresses as shown above and deposited in the United States Mail at Portland, Oregon on the date set forth below.

by causing a true copy thereof to be hand-delivered to said attorneys' addresses as shown above on the date set forth below.

by sending a true copy thereof via overnight courier in a sealed, prepaid envelope, addressed to said attorneys' addresses as shown above on the date set forth below.

■ by faxing a true copy thereof to said attorneys' facsimile numbers as shown above on the date set forth below.

DATED this 25 day of January, 2006.

BLACK HELTERLINE LLP

By: Michael B. Merchant
Michael B. Merchant, OSB No. 88268
Of Attorneys for Father M

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